

State of Arizona  
House of Representatives  
Forty-ninth Legislature  
Second Regular Session  
2010

House Engrossed  
**FILED**  
**KEN BENNETT**  
**SECRETARY OF STATE**

CHAPTER 92

# **HOUSE BILL 2499**

AN ACT

AMENDING SECTION 32-1968, ARIZONA REVISED STATUTES; RELATING TO THE  
REGULATION OF PHARMACIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-1968, Arizona Revised Statutes, is amended to  
3 read:

4 32-1968. Dispensing prescription-only drug; prescription  
5 orders; refills; labels; misbranding; dispensing  
6 soft contact lenses

7 A. A prescription-only drug shall be dispensed only under one of the  
8 following conditions:

9 1. By a medical practitioner in conformance with section 32-1921.

10 2. On a written prescription order bearing the prescribing medical  
11 practitioner's manual signature.

12 3. On an electronically transmitted prescription order containing the  
13 prescribing medical practitioner's electronic or digital signature that is  
14 reduced promptly to writing and filed by the pharmacist.

15 4. On a written prescription order generated from electronic media  
16 containing the prescribing medical practitioner's electronic or manual  
17 signature. A prescription order that contains only an electronic signature  
18 must be applied to paper that uses security features that will ensure the  
19 prescription order is not subject to any form of copying or alteration.

20 5. On an oral prescription order that is reduced promptly to writing  
21 and filed by the pharmacist.

22 6. By refilling any written, electronically transmitted or oral  
23 prescription order if a refill is authorized by the prescriber either in the  
24 original prescription order, by an electronically transmitted refill order  
25 that is documented promptly and filed by the pharmacist or by an oral refill  
26 order that is documented promptly and filed by the pharmacist.

27 7. ON A PRESCRIPTION ORDER THAT THE PRESCRIBING MEDICAL PRACTITIONER  
28 OR THE PRESCRIBING MEDICAL PRACTITIONER'S AGENT TRANSMITS BY FAX OR  
29 ELECTRONIC MAIL.

30 8. ON A PRESCRIPTION ORDER THAT THE PATIENT TRANSMITS BY FAX OR BY  
31 EMAIL IF THE PATIENT PRESENTS A WRITTEN PRESCRIPTION ORDER BEARING THE  
32 PRESCRIBING MEDICAL PRACTITIONER'S MANUAL SIGNATURE WHEN THE  
33 PRESCRIPTION-ONLY DRUG IS PICKED UP AT THE PHARMACY.

34 B. A prescription order shall not be refilled if it is either:

35 1. Ordered by the prescriber not to be refilled.

36 2. More than one year since it was originally ordered.

37 C. A prescription order shall contain the date it was issued, the name  
38 and address of the person for whom or owner of the animal for which the drug  
39 is ordered, refills authorized, if any, the legibly printed name, address and  
40 telephone number of the prescribing medical practitioner, the name, strength,  
41 dosage form and quantity of the drug ordered and directions for its use.

42 D. Any drug dispensed in accordance with subsection A of this section  
43 is exempt from the requirements of section 32-1967, except subsection A,  
44 paragraphs 1, 10 and 11 and the packaging requirements of subsection A,  
45 paragraphs 7 and 8, if the drug container bears a label containing the name

1 and address of the dispenser, serial number, date of dispensing, name of the  
2 prescriber, name of the patient, or, if an animal, the name of the owner of  
3 the animal and the species of the animal, directions for use and cautionary  
4 statements, if any, contained in the order. This exemption does not apply to  
5 any drug dispensed in the course of the conduct of a business of dispensing  
6 drugs pursuant to diagnosis by mail or the internet or to a drug dispensed in  
7 violation of subsection A of this section.

8 E. The board ~~may also~~ by rule ALSO MAY require additional information  
9 on the label of prescription medication that the board believes to be  
10 necessary for the best interest of the public's health and welfare.

11 F. A prescription-only drug or a controlled substance that requires a  
12 prescription order is deemed to be misbranded if, at any time before  
13 dispensing, its label fails to bear the statement "Rx only". A drug to which  
14 subsection A of this section does not apply is deemed to be misbranded if, at  
15 any time before dispensing, its label bears the caution statement quoted in  
16 this subsection.

17 G. A pharmacist may fill a prescription order for soft contact lenses  
18 only as provided in this chapter.

APPROVED BY THE GOVERNOR APRIL 19, 2010.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 20, 2010.